

HOUSE BILL 3294

By Vaughn

AN ACT to amend Tennessee Code Annotated, Title 71,
Chapter 5, relative to dental services.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-103, is amended by adding the following language as a new subdivision:

() "Adult emergency dental services" means dental services for individuals age twenty-one (21) and older to treat a dental condition that manifests itself by symptoms of sufficient severity, including severe pain, infection or trauma, that:

(a) A prudent layperson who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate dental attention to potentially result in:

(1) Placing the person's (or with respect to a pregnant woman, her unborn child's) health in jeopardy;

(2) Serious impairment of bodily functions;

(3) Serious dysfunction of any bodily organ or part; or

(b) Includes treatment of dental condition necessary for an individual to receive essential medical treatment, including, but not limited to, extraction of abscessed or periodontally involved teeth prior to an individual receiving a prosthetic heart valve, a donor organ, other replacement prosthetic devices or head and neck radiation therapy.

SECTION 2: Tennessee Code Annotated, Section 71-5-148, is amended by deleting the present language in its entirety and by substituting the following language:

(a) To the extent that funds are specifically appropriated by the general appropriations act including, but not limited to, any such funds that may be available from the bureau of TennCare's reserve funds, the department of finance and

administration, in coordination with the department of health and the department of mental health and developmental disabilities, is authorized to facilitate the expansion and augmentation of a health care safety net in the state of Tennessee. The health care safety net provides medical assistance and dental assistance to individuals in need of medical care and dental care to adults in need of emergency dental services who are uninsured and who lack financial resources to secure medical and dental care. It is the legislative intent that priority should be given to efforts pursuant to this section that benefit the greatest number of such individuals. Such efforts may include, but not be limited to:

(1) Improvement and expansion of the provision of medical assistance, medical services, adult emergency dental services, and pharmacy, in the county health departments, both metro and rural, with specific emphasis placed in providing assistance in those counties with the largest number of uninsured individuals; such support could include funding for additional staffing needs and facility expansion, as well as referral of "complex" adult emergency dental cases requiring dental specialty care by private practitioners;

(A) All local health departments with dental resources, including dental staff and dental facilities, it is the expectation that adult dental emergencies would be treated;

(B) All local health departments without dental resources, such funding could be used to procure adult emergency dental services through the private sector at rates that meet or exceed the current TennCare Dental Fee Schedule;

(2) Support for community-based health care facilities and practices, including not-for-profit clinics, faith-based facilities, community mental health

agencies, and federally qualified health centers, for the provision of health care services to the uninsured;

(3) Incentive-based measures to encourage and promote physician and dentist involvement and treatment of the uninsured population, including specific steps taken to assist in providing for continuity of care, including specialty care, for such individuals, as well as targeted efforts at comprehensive disease management;

(4) Creation and implementation of a twenty-four-hour, seven-day a week health care safety net hotline designed to assist and direct individuals in need of medical care and services including adult emergency dental services to available resources in their areas;

(5) Creation of a donated care referral system that can be easily accessed by individuals in need of medical care and handicapped adults in need of dental care; and

(6) Collaborative work with agencies and entities across the state to encourage citizens to volunteer their time, effort, and resources in creative efforts to assist in the overall care and well-being of uninsured individuals in this state.

(b) Nothing established or supported pursuant to the provisions of this section shall in any way be construed or determined to be an entitlement by any individual or entity to any medical assistance, medical services, dental assistance, dental services or any pharmacy services, or, if such assistance or services are provided, to any continuing assistance or services by the state or by any other entity or person.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.